

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Plaintiff,

v.

0817726 BC, LTD., et al,

Defendants.

NO: CV-12-483-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80297

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for Entry of Default and Judgment against Defendant Marion Lambertus, and it appearing from the file and records of this Court in this cause that the default judgment (Bkcy. Dkt. No. 141) entered by the Bankruptcy Court should be deemed

1 proposed findings of fact and conclusions of law, and that entering final default  
2 judgment in conformity with the default judgment entered by the Bankruptcy Court  
3 is appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the  
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
6 Trustee for LLS America, LLC, shall have a judgment against the Defendant  
7 Marion Lambertus as follows:

8 1. Monetary Judgment in the amount of CAD \$90,937.65 pursuant to 11  
9 U.S.C. § 550 and RCW 19.40.071;

10 2. Transfers in the amount of CAD \$40,986.67 to Defendant Marion  
11 Lambertus within four years prior to the Petition Filing Date are hereby avoided  
12 and Plaintiff may take all necessary action to preserve the same, pursuant to 11  
13 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and  
14 RCW 19.40.071;

15 3. Transfers in the amount of CAD \$49,950.98 made to Defendant Marion  
16 Lambertus more than four years prior to the Petition Filing Date are hereby  
17 avoided and Plaintiff may take all necessary action to preserve the same, pursuant  
18 to 11 U.S.C. §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;

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1 4. All said transfers to Defendant Marion Lambertus are hereby set aside and  
2 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant  
3 Marion Lambertus for the benefit of the estate of LLS America, pursuant to 11  
4 U.S.C. §§ 544, 550 and 551;

5 5. A constructive trust is hereby established over the proceeds of all transfers  
6 in favor of the Trustee for the benefit of the estate of LLS America; and

7 6. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of  
8 \$250.00 USD, for a total judgment of CAD \$90,937.65, plus \$250.00 USD, which  
9 shall bear interest equal to the weekly average of one-year constant maturity  
10 (nominal) treasury yield as published by the Federal Reserve System.

11 The District Court Clerk is directed to enter this Order, enter judgment as  
12 outlined above, and provide copies to counsel and to Judge Patricia Williams.

13 DATED this 31st day of October 2012.

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15  
16 s/ Rosanna Malouf Peterson  
ROSANNA MALOUF PETERSON  
17 Chief United States District Court Judge  
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